

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
REFERENCE 84

INDIANAPOLIS

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file  
BOFFICE MEMORANDUM

DATE: September 9, 1987

THRU: David Berrey *DWB*  
Thomas Russell *TR*

TO: RCRA File

FROM: Ted Warner *tw*  
Compliance Monitoring SectionSUBJECT: Scheduled Inspection of Gary Land Development  
Lake County, Indiana  
IND 077005916

On August 27, 1987, Mr. Jonathon Cooper, a geologist for the U.S. Environmental Protection Agency (U.S. EPA), Region V, and I inspected the Gary Land Development (GLD) Landfill located at 479 North Cline Avenue, Gary, Indiana. Messrs. Larry Hagen, Gary Land Development Vice President, and Terry R. West, Ph.D., P.E., Gary Land Development Engineering Geology Consultant, represented the facility during our inspection.

My preinspection files audit revealed that Gary Land Development is still maintaining that they are not now, nor have they ever, operated as a RCRA hazardous waste disposal facility. During my past two inspections at this facility, Mr. Hagen has taken the same position. Our office has referred my inspection information to U.S. EPA, Region V, and as a result, in 1986, the U.S. EPA filed a formal Complaint and Compliance Order against Gary Land Development. During this inspection, Mr. Hagen again stated that Gary Land Development is not in the RCRA system, and he has made no attempt to comply with applicable regulations.

There was some discussion with Mr. Hagen that I feel was noteworthy. Mr. Hagen is now saying that the only waste material that was delivered to Gary Land Development was the shipments from American Chemical Services, which were manifested as F005; and those shipments were not, in fact, a hazardous waste as identified. He further states that he has a letter from Mr. James Tarpo, American Chemical Services President, stating that the loads were not, in fact, hazardous waste. In regard to the other alleged loads of hazardous waste, Mr. Hagen now claims these loads did not come to Gary Land Development and, in fact, there are not signed manifests indicating such. This information is different from what Mr. Hagen told Mr. Thomas Russell and I on June 17, 1985, during another scheduled inspection. At that time, he indicated that Gary Land Development received broken battery cases and neutralized calcium sulfate sludge from USS Lead Company of East Chicago, Indiana (see my July 29, 1985, field trip report).

The formal hearing regarding the federal Complaint and Compliance Order is scheduled for September 9 through 11, 1987, in Gary, Indiana. I have been informed by Mr. Cooper that I will be requested to participate in these proceedings.

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I feel the formal U.S. EPA action will clarify Gary Land Development's regulatory status and at that time, a final determination as to the necessity of formal RCRA closure can be made.

It is fact that Gary Land Development did file a Part A permit application for land disposal of hazardous waste and it is my opinion that the facility did receive hazardous waste from American Chemical Services and USS Lead and should be required to go through some type of closure proceedings.

TFW/tjd